



GENERAL ORDER OPS-56 IMPARTIAL ENFORCEMENT

EFFECTIVE MAY 20, 2013

This General Order contains the following numbered sections:

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I. POLICY

The Howard County Department of Police (HCPD) is committed to the protection of human and civil rights for all people and carrying out law enforcement responsibilities in a nondiscriminatory manner in accord with the Constitution of the United States. The Department will assure that every person is treated fairly and provided equal protection under the law.¹

II. DEFINITIONS

Within this directive, the following definitions apply:

A. Bias Based Profiling

Police initiated action based solely on race, gender, age, ethnicity, sexual orientation, religion, or cultural group rather than reasonable articulable suspicion or knowledge of unlawful activity.

B. Investigative Stop

A stop based on reasonable articulable suspicion or knowledge of criminal activity. Information may originate with another officer, a citizen, Communications (includes BOLOs), or by independent investigation.

C. Motor Vehicle Stop

Whenever a police officer stops a motor vehicle and detains the occupants to investigate a crime, traffic offense, equipment violation, or take other law enforcement action. This includes traffic stops and investigative stops.

D. Reasonable and Articulable Suspicion

Information known to an officer at the time he initiates action, which would lead an officer to reasonably suspect that the subject of the information is involved in a violation of criminal or traffic law.

E. Traffic Stop

A motor vehicle stop initiated as a result of an observed/reported violation of the criminal or traffic code. Includes Radar, Laser, and VASCAR based motor vehicle stops. The report of a traffic violation may originate with another officer, citizen witness, or Communications.

¹ CALEA 61.1.5

F. Documentation

Completed forms which identify the details of a police contact, specifically: Maryland Uniform Complaint and Citation (State Citation), Maryland Safety Equipment Repair Order (SERO), HCPD Warning (Warning), Incident Report (I/R), and Field Interview Report (FIR).

III. GUIDING PRINCIPLES

- A. All law enforcement actions, such as traffic stops, investigative stops, arrests, searches and seizures will be based on reasonable and articulable suspicion or probable cause as required by State statutes, State Constitution and the U.S. Constitution.²
- B. Officers must be able to articulate specific facts, circumstances, and conclusions which support their actions.³
- C. Biased based profiling in traffic contacts, issuance of citations, field contacts, asset seizure and forfeiture, and all law enforcement actions are prohibited and may lead to disciplinary action including dismissal.⁴
- D. Nothing in this, or any other General Order, including OPS-42, Criminal & Civil Citations alters an officer's authority to conduct enforcement actions, make an arrest, conduct a search and seizure, or otherwise fulfill his law enforcement obligations.
- E. All sworn members will receive initial training in bias based profiling issues that promote and encourage impartial policing and prevent the creation, adoption or use of inappropriate stereotypes. Applicable training may include, but is not limited to, officer safety, courtesy, cultural diversity, search and seizure issues and legal aspects, asset seizure and forfeiture, interview techniques, interpersonal communication skills, constitutional and case law, field contacts and motor vehicle stops.⁵

IV. DOCUMENTING MOTOR VEHICLE STOPS

In accordance with Section 25-113 of the Maryland Transportation Article, the Department must gather all ~~24~~ specific data elements on every motor vehicle stop for entry into a database to generate statistical reports to the State of Maryland. Until such time as State and Departmental forms are updated, the Department shall capture additional required information on a Data Supplement Sticker which will be applied to the rear of appropriate documents.

Documentation is required for every motor vehicle stop.

A. Traffic Stops

- 1. A State Citation, SERO or Warning must be completed for every traffic stop.
- 2. If the officer determines that no violation occurred (i.e. seatbelt was not evident but was in use, apparent equipment violation did not actually exist, etc.) the officer may conclude the stop without issuing any documentation to the vehicle operator. The officer shall then complete the appropriate sections of the HCPD Warning to document the stop. This will allow the date, time, location, officer, and reason to be recorded.

² CALEA 1.2.9a

³ CALEA 1.2.9a

⁴ CALEA 1.2.9a & c

⁵ CALEA 1.2.9b

3. Initiating an arrest, as the result of a traffic stop, does not relieve the officer from issuing a State Citation, SERO or Warning to address the initial violation that warranted the traffic stop.

B. Investigative Stops

1. Appropriate documentation is mandatory for every investigative stop.
2. FIRs should be used when appropriate.
3. Portions of the Warning form may be used to document investigative stops that do not require an I/R or FIR. This would be appropriate for BOLO-based stops where the vehicle/occupant was swiftly eliminated as being involved in the criminal activity.
4. When portions of the Warning form are used to document an investigative stop, where no violation occurred, **no** copy should be issued to the motor vehicle operator.
5. Should a State Citation, SERO or Warning be issued as the result of an investigative stop, the data collection sticker shall be completed. Officers issuing an electronic citation, SERO or Warning will not need to use the data collection stickers as the required data is automatically collected.

C. Terminated Stops

The requirement to document all motor vehicle stops shall not prevent an officer from abruptly diverting to respond to a priority call (i.e. Priority One Call, Signal 1, etc.). If necessary, the officer should briefly explain his actions to the violator and respond to the priority call without issuing any documentation to the violator. The officer shall later complete the appropriate sections of the HCPD Warning to document the stop. This will allow the date, time, location, officer, and reason to be recorded.

- D. Officers are reminded, that consistent with General Order ADM-11, Departmental Reporting System, a report is required for all searches including those that result from a motor vehicle stop.

V. **RESPONSIBILITIES**

A. Officers

1. Officers shall ensure that all law enforcement actions are not based solely on race, gender, age, ethnicity, sexual orientation, religion, or cultural group.
2. Officers shall ensure that all required data elements are collected from each traffic stop (with the exception of terminated stops and those where no actual violation occurred) by properly completing all fields on the Citation, SERO, Warning and the Data Supplement Sticker.
3. Officers shall promptly submit all documentation of motor vehicle stops to their immediate supervisor, for review and approval.

B. Supervisors

1. Supervisors shall ensure that all submissions, including Data Supplement Stickers, are completed properly.
2. Supervisors shall provide instructions to officers on current data collection procedures as revised forms, stickers, are published. Updates are likely as the Department strives to streamline the State-mandated process and petition for changes to the State Citation and SERO.

3. Supervisors shall review all motor vehicle stop documentation prior to submission to the Records Section.
- C. The Records Section Supervisor
1. The Records Section Supervisor shall return any documentation that fails to provide all mandated data to the appropriate supervisor.
 2. The Records Section Supervisor shall ensure the proper data entry and reporting of motor vehicle stop data and shall generate all mandated statistical reports.
 3. Annually, the Records Section Supervisor shall conduct and document an administrative review of all traffic stop data and submit the report to the Chief of Police, via the Chain of Command.
- D. Internal Affairs Division
1. The Commander of the Internal Affairs Division shall conduct and document an annual administrative review of all documents associated with any claim or allegation that police action occurred as a result of bias-based profiling, as well as all available data regarding use-of-force, traffic contacts, or other police actions.
 2. The findings shall be submitted to the Chief of Police for his review.
- E. Commander of Vice & Narcotics Division
1. The Commander of the Vice & Narcotics Division shall conduct and document a quarterly administrative review of documents involving asset seizure and forfeiture.
 2. The findings shall be submitted to the Deputy Chief of the Investigations and Special Operations Command, via the Chain of Command, for his review.
- F. Commander of the Information Management Division
1. The Commander of the Information Management Division shall approve and publish updated forms as needed to meet TR 25-113, State reporting requirements, and efficient Departmental operations.
 2. The Commander of the Information Management Division shall work with the Research and Planning Section to modify directives, forms and databases to ensure full compliance with TR 25-113.
- G. The Deputy Chief for Administration shall ensure periodic review and external dissemination of motor vehicle stop data.
- H. The Human Resources Bureau (HRB) Commander shall ensure that all members receive initial training in subjects that promote and encourage impartial policing.⁶
- I. The Chief of Police will ensure that yearly administrative reviews are conducted to examine the Department's commitment to impartial policing, which shall include the review of the Maryland Statistical Analysis Center annual report. Dynamics that are to be included in these reviews include, but are not limited to Departmental policies, practices, statistical data analysis, and expressed citizen concerns.⁷

⁶ CALEA 1.2.9b

⁷ CALEA 1.2.9d

VI. DATA ANALYSIS

- A. The Records Section Supervisor is responsible for ensuring the entry of motor vehicle stop data into appropriate databases, meeting the data collection requirements of TR 25-113, and generating all mandated statistical reports.
- B. Internal Departmental statistical reports are confidential and will be produced on an "as needed" basis and shall be provided to the Chief of Police, the Internal Affairs Division, the Quality Assurance Section, and others that the Chief of Police may specifically designate.
- C. Notable statistical irregularities or complaints alleging that officer(s) are conducting policing activities in violation of Departmental policy will be investigated in accordance with General Order ADM-02, "Internal Investigations". The Internal Affairs Division will include related complaint information in the yearly statistical summary.⁸

VII. CANCELLATION

This General Order cancels and replaces General Order OPS-56, Impartial Enforcement, dated August 1, 2001.

AUTHORITY:



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⁸ CALEA 1.2.9c

DOCUMENTATION GUIDE

INCIDENT	MANDATORY DOCUMENTATION
Traffic Stop Observed Violation Includes Radar, Laser, VASCAR	State Citation, OR HCPD Warning, OR SERO State Citation and SERO must have a Supplemental Data Collection Sticker Applied. (ETIX operators do not need to complete sticker).
Traffic Stop No Actual Violation	Portions of HCPD Warning (No copy to vehicle operator) No Supplemental Data Collection Sticker Required
Traffic Stop Abruptly Terminated for Priority Call/Signal 13	Portions of HCPD Warning (No copy to vehicle operator) No Supplemental Data Collection Sticker Required
Safety Check Point All vehicles being stopped for sobriety or seatbelt compliance	No documentation is required unless an actual violation is detected. If violation exists, document like any traffic stop.
Investigative Stop Suspicious Subjects BOLO - Determined un-related parties Identified violations	FIR, Incident Report, other documentation Portions of HCPD Warning (No copy to vehicle operator) State Citation*, OR HCPD Warning*, OR SERO* *State Citation or Warning or SERO must have a Supplemental Data Collection Sticker Applied. (ETIX operators do not need to complete sticker).
Searches Subject, Vehicle, or Property searched during Motor Vehicle Stop	Appropriate documentation for the type of motor vehicle stop, PLUS a report regarding the search , if not already the primary documentation. This is just a reminder of the requirements of General Order ADM-11, that mandates a report for all searches.